

U.S. Department
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United States
Coast Guard



Commandant
United States Coast Guard

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DEPARTMENT OF TRANSPORTATION

U. S. COAST GUARD

STATEMENT OF VICE ADMIRAL CLYDE T. LUSK, JR.

ON OIL SPILL LEGISLATION

UNITED STATES SENATE

COMMITTEE ON ENERGY AND NATURAL RESOURCES

21 & 24 JULY 1989



Vice Admiral Clyde Thomas Lusk Jr.
Vice Commandant
United States Coast Guard



Vice Admiral Clyde T. Lusk Jr. became Vice Commandant of the United States Coast Guard in June of 1988. He was Chief of Staff of Coast Guard Headquarters, Washington, from 1986 to 1988. He served as Commander of the Eighth Coast Guard District in New Orleans, from 1985 to 1986. Prior to that assignment, he was Chief of the Office of Merchant Marine Safety at Coast Guard Headquarters from 1981 until 1985 and was Deputy Chief of that office from 1980 to 1981.

Vice Admiral Lusk served as Chief of Operations, Eighth Coast Guard District from 1978 until 1980. He was Commanding Officer of the Merchant Marine Inspection Office in New Orleans, from 1975-78.



While stationed in Washington, from 1970 through 1974, he was Director of Transportation Energy Policy, Assistant Chief of the Merchant Marine Safety Planning Staff and Assistant Chief of the Merchant Marine Inspection Division.

Other assignments included Commanding Officer of the Merchant Marine Safety Office in St. Louis, a Headquarters tour in the Office of Merchant Marine Safety, duty as a marine inspector in Long Beach, California, duty onboard the cutters EVERGREEN and DUANE and Commanding Officer of the Coast Guard Loran Station Spruce Cape in Kodiak, Alaska.

Vice Admiral Lusk received a Bachelor of Science degree from the United States Coast Guard Academy in New London, Connecticut, in 1954. He attended the Industrial College of the Armed Forces in Washington, from 1974-75. He also participated in an industrial training program with American Waterways Operations, Inc. in 1965.

His awards include the Distinguished Service Medal, two Legion of Merit Medals, two Meritorious Service Medals, the Secretary's Award for Service Silver Medal, the Coast Guard Commendation Medal and the Coast Guard Achievement Medal.

Vice Admiral Lusk is a native of Medford, Massachusetts. He is married to the former Beverly J. Tasko of Wethersfield, Connecticut, a graduate of Connecticut College for Women in New London. They have six children: Joan Elaine, Gail Marie, Lois Elizabeth, Mark Thomas, Lori Ann and John Edward. The Lusks reside in Bethesda, Maryland.

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GOOD MORNING, MR. CHAIRMAN. I AM PLEASED TO MEET WITH YOU AND THE OTHER DISTINGUISHED MEMBERS OF THIS COMMITTEE TO DISCUSS SENATE AMENDMENTS NUMBER 100 AND 229, THE PRINCE WILLIAM SOUND OIL SPILL EMERGENCY ACT OF 1989 AND GULF OF MEXICO OIL SPILL PREVENTION AND RESPONSE ACT, RESPECTIVELY. WITH ME TODAY IS REAR ADMIRAL JOEL D. SIPES, CHIEF OF THE COAST GUARD'S OFFICE OF MARINE SAFETY, SECURITY AND ENVIRONMENTAL PROTECTION AND REAR ADMIRAL MARSHALL E. GILBERT, THE COAST GUARD'S RESOURCE DIRECTOR/COMPTROLLER.

THE EXXON VALDEZ SPILL AND THE THREE RECENT SPILLS IN RHODE ISLAND, PENNSYLVANIA AND TEXAS HAVE BEEN A STARTLING REMINDER OF THE NEED TO BE READY AND TO HAVE ADEQUATE RESOURCES TO RESPOND TO SUCH EVENTS. EARLY LESSONS LEARNED FROM VALDEZ WERE PROVIDED TO THE PRESIDENT AND MANY INITIATIVES ARE UNDERWAY TO REDUCE THE LIKELIHOOD OF RECURRENCE AND TO INCREASE RESPONSE CAPABILITY. THE COAST GUARD HAS INITIATED A THOROUGH REVIEW OF ALL PORT CONTINGENCY PLANS AND A NUMBER OF AREAS WHICH CONTRIBUTE TO SPILL PREVENTION SUCH AS SHIP DESIGN, VESSEL MANNING AND LICENSING, PILOTAGE AND INSPECTION ARE BEING CAREFULLY RESTUDIED. CONGRESS AND THE ADMINISTRATION HAVE PROPOSED NEW LAWS TO STRENGTHEN OUR

ABILITY TO PREVENT AND CLEAN UP FUTURE OIL SPILLS. INDUSTRY HAS PROPOSED A SUBSTANTIAL INCREASE IN RESPONSE CAPABILITY AND A COMMITMENT TO RESEARCH AND DEVELOPMENT (R&D).

IN ACCORDANCE WITH VARIOUS PROVISIONS OF THE CLEAN WATER ACT AND THE NATIONAL CONTINGENCY PLAN, THE COAST GUARD PROVIDES THE PREDESIGNATED FEDERAL ON-SCENE COORDINATORS FOR POLLUTION INCIDENTS OCCURRING IN THE COASTAL ZONE. IN THE LAST TEN YEARS, THE COAST GUARD HAS RESPONDED TO APPROXIMATELY 8,800 OIL SPILLS ANNUALLY. THE SIZE OF THE SPILLS RANGED FROM ONE GALLON TO 2.8 MILLION GALLONS. THE VAST MAJORITY OF THE SPILLS INVOLVE LESS THAN 10,000 GALLONS; OCCUR IN SHELTERED WATERS; AND ARE ROUTINELY CLEANED UP USING CONVENTIONAL CLEANUP METHODS. GENERALLY, MECHANICAL TECHNIQUES ARE USED TO CONTAIN OR DEFLECT OIL INTO AN AREA WHERE IT CAN BE REMOVED FROM THE SURFACE OF THE WATER USING SKIMMERS, PUMPS, ABSORBENT MATERIAL, MANUAL TECHNIQUES AND NON-SPECIALIZED EQUIPMENT, SUCH AS VACUUM TRUCKS. WHEN THE OIL IMPACTS THE SHORELINE, A LENGTHY, TEDIOUS AND LABOR INTENSIVE CLEANUP USUALLY IS NECESSARY. DURING A SHORELINE CLEANUP, GREAT EMPHASIS IS PLACED ON LIMITING ADDITIONAL ENVIRONMENTAL DAMAGE, INCLUDING HARM TO FISH AND WILDLIFE. THE EXXON VALDEZ SPILL IS UNIQUE BECAUSE OF ITS REMOTE LOCATION AND ENORMITY, FOUR TIMES LARGER THAN OUR PREVIOUS MOST SIGNIFICANT SPILL.

WE CERTAINLY RECOGNIZE YOUR CONCERN, MR. CHAIRMAN, AS WELL AS THE OTHER MEMBERS OF CONGRESS WHO HAVE INTRODUCED THE MORE THAN 30 BILLS WHICH WERE GENERATED IN THE AFTERMATH OF THE EXXON VALDEZ OIL SPILL. I WOULD LIKE TO BRIEFLY TOUCH ON SOME OF THE COAST GUARD INITIATIVES WHICH HAVE ARISEN FROM, OR BEEN HEIGHTENED BY, THE EXXON VALDEZ GROUNDING.

NAVIGATION INITIATIVES

WE HAVE A NUMBER OF NAVIGATION INITIATIVES UNDERWAY INCLUDING A STUDY TO ESTABLISH A PRIORITIZED LIST OF THOSE U.S. PORTS AND WATERWAYS THAT WOULD BENEFIT BY HAVING A VESSEL TRAFFIC SYSTEM (VTS) OR ALTERNATIVE MANAGEMENT NETWORK TOGETHER WITH A SUMMARY OF THE NECESSARY CAPITAL INVESTMENT. FURTHER, WE HAVE BEGUN AN OPERATIONAL AND TECHNICAL REVIEW OF OUR EXISTING VTS'S IN ORDER TO DETERMINE IF NEAR TERM CHANGES ARE NECESSARY. A THIRD MAJOR NAVIGATION INITIATIVE WILL INVOLVE AN IN-DEPTH TECHNICAL AND OPERATIONAL REVIEW OF VTS EQUIPMENT TO IDENTIFY NEEDED UPGRADES OR CHANGES.

REVIEW OF PILOTAGE AUTHORITIES/REQUIREMENTS

A PILOTAGE STUDY WAS RECENTLY CONVENED TO CONSIDER THE NEED FOR CHANGES TO RELATED STATUTES, REGULATIONS, AND POLICIES. THE STUDY WILL ADDRESS ISSUES INCLUDING QUALIFICATIONS FOR LICENSED PERSONNEL DEPENDING ON NATURE OF VOYAGE, TYPE OF CARGO BEING TRANSPORTED, TYPE OF SERVICE, AND OTHER VARIABLES. ADDITIONALLY, THE SCOPE OF PILOTAGE WATERS, RELATIONSHIP BETWEEN VESSEL TYPE AND PILOTAGE NEEDS, CERTIFICATION AND TRAINING, PILOT/MASTER AUTHORITIES, AND ROLES OF FEDERAL AND STATE GOVERNMENTS WILL BE LOOKED AT.

POLLUTION RELATED RESEARCH AND DEVELOPMENT

THE COAST GUARD'S R&D EFFORTS HAVE RESULTED IN SEVERAL EQUIPMENT SYSTEMS WHICH ARE USED BY OUR STRIKE TEAMS. THESE INCLUDE THE HIGH SEAS OIL RECOVERY SYSTEM WHICH IS AN OPEN OCEAN CONTAINMENT BOOM WITH OIL SKIMMING AND RECOVERY CAPABILITY; THE

AIR DELIVERABLE, ANTIPOLLUTION TRANSFER SYSTEM (ADAPTS) WHICH IS THE PUMP AND HOSE SYSTEM USED TO OFF-LOAD TANK VESSELS OUT OF THE TOP OF THE TANKS; AND OUR VISCOUS OIL PUMPING SYSTEMS. THESE SYSTEMS ARE AIR DELIVERABLE BY COAST GUARD AIRCRAFT AND ARE "STATE OF THE ART." AN INFRARED REMOTE SENSING PACKAGE WAS DEVELOPED FOR COAST GUARD HU-25 INTERCEPTORS AND WAS USED EXTENSIVELY IN VALDEZ. THE CENTRAL OIL IDENTIFICATION LABORATORY WAS DEVELOPED TO USE SAMPLE ANALYSIS TECHNIQUES TO IDENTIFY THE SOURCE OF DISCHARGED OIL. THIS SYSTEM HAS BEEN ACCEPTED IN THE JUDICIAL SYSTEM AND HAS BEEN USED SUCCESSFULLY IN HUNDREDS OF CASES, INCLUDING VALDEZ.

EARLIER THIS YEAR, THE COAST GUARD RECOGNIZED THE NEED TO REEVALUATE ITS R&D PROGRAM, ESPECIALLY RELATED TO DISCHARGES OF OIL INTO THE MARINE ENVIRONMENT. THE FIRST TASK OF THIS EVALUATION WILL BE AN EXAMINATION OF THE WORLDWIDE STATE OF THE ART RESPONSE AND CLEANUP METHODS AND TECHNOLOGY. THIS EXAMINATION SHOULD REVEAL GAPS IN INFORMATION AND TECHNOLOGY NEEDS. WE HAVE ALREADY IDENTIFIED AREAS WHICH APPEAR TO WARRANT CONSIDERATION FOR FUTURE RESEARCH.

THE COAST GUARD RECOGNIZES THAT THE OIL INDUSTRY AND OTHER FEDERAL DEPARTMENTS AND AGENCIES, SUCH AS THE ENVIRONMENTAL PROTECTION AGENCY, DEPARTMENT OF THE INTERIOR, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, AND DEPARTMENT OF ENERGY, HAVE THEIR OWN OIL SPILL TECHNOLOGY R&D NEEDS AND PLANS. BECAUSE OF THIS WIDE AND VARIED INTEREST, FEDERAL R&D MUST BE COORDINATED TO GET THE MOST FROM LIMITED FUNDING. THE COAST GUARD IS PREPARED TO TAKE THE LEAD IN COORDINATING R&D EFFORTS IN THIS AREA.

CLEANUP/RESPONSE

OTHER CLEANUP AND RESPONSE INITIATIVES ARE UNDERWAY. THE COAST GUARD IS REVIEWING AN AMERICAN PETROLEUM INSTITUTE (API) STUDY, AND WILL MEET WITH API IN THE NEAR FUTURE TO DISCUSS THEIR RECOMMENDATIONS. AT THE SAME TIME, WE WILL BE ASSESSING EQUIPMENT AND PERSONNEL NEEDS FOR OUR NATIONAL STRIKE TEAM. A REVIEW OF STATUTORY AUTHORITIES IS UNDERWAY WHICH MAY LEAD TO REGULATORY PROPOSALS. THE EXXON VALDEZ SPILL RESPONSE SUGGESTS A NEED FOR DEVELOPING A NEW ORGANIZATION FOR RESPONDING TO SPILLS OF "NATIONAL SIGNIFICANCE". AS YOU KNOW, THE PRESIDENT PROPOSED AN AGREEMENT AT THE RECENT ECONOMIC SUMMIT IN PARIS, CONCERNING INTERNATIONAL COORDINATION OF RESPONSES TO CATASTROPHIC OIL SPILLS.

TANK VESSEL STUDIES

WE HAVE ASKED THE NATIONAL ACADEMY OF SCIENCES MARINE BOARD TO CONDUCT A COMPREHENSIVE ANALYSIS OF THE ROLE OF DOUBLE HULLS AND DOUBLE BOTTOMS IN FUTURE TANK VESSEL DESIGNS AND WE HAVE INITIATED AN IN-HOUSE TANKSHIP DOUBLE BOTTOM CASUALTY STUDY WHICH WILL BE COMPLETED LATER THIS SUMMER. ALSO, WE HAVE DEVELOPED AND ARE REFINING A PRELIMINARY LIST OF MEASURES TO REDUCE TANKER ACCIDENTAL OIL OUTFLOW.

WE ARE CONVENING A TANKER INSPECTION STUDY GROUP TO REVIEW OUR U.S. AND FOREIGN FLAG TANKSHIP INSPECTION PROGRAM. WE EXPECT THIS EFFORT WILL BE COMPLETE LATER THIS YEAR.

MERCHANT MARINERS LICENSING/DISCIPLINE MATTERS

SECRETARY SKINNER TRANSMITTED PROPOSED LEGISLATION TO CONGRESS LAST MONTH WHICH WOULD IMPROVE THE COAST GUARD'S ABILITY

TO MONITOR THE CHARACTER AND FITNESS OF THOSE PERSONS TO WHOM IT ISSUES A MERCHANT MARINER'S DOCUMENT, LICENSE, AND CERTIFICATE OF REGISTRY.

WE HAVE ALSO PROVIDED GUIDANCE TO OUR REGIONAL EXAM CENTERS ON THE FITNESS OF APPLICANTS WITH DRIVING WHILE INTOXICATED CONVICTIONS; AND HAVE DEVELOPED REGULATIONS REQUIRING MANDATORY REVOCATION OF LICENSE, CERTIFICATE OR DOCUMENT FOR CHRONIC ALCOHOLISM, SHIPBOARD OR ASHORE. ADDITIONALLY, THE ADMINISTRATION STRONGLY SUPPORTS RATIFICATION OF THE INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR SEAFARERS (STCW). RATIFICATION WOULD ENABLE THE COAST GUARD TO BETTER CONTROL AND ENFORCE PERSONNEL STANDARDS OF VISITING FOREIGN FLAG VESSELS.

COMPREHENSIVE OIL SPILL LIABILITY AND COMPENSATION LEGISLATION

CERTAINLY MR. CHAIRMAN, I WANT TO TAKE THIS OPPORTUNITY TO REITERATE THE ADMINISTRATION'S ONGOING AND STRONG SUPPORT FOR COMPREHENSIVE OIL SPILL LIABILITY AND COMPENSATION LEGISLATION AND RATIFICATION OF THE 1984 INTERNATIONAL PROTOCOLS TO THE CIVIL LIABILITY AND FUND CONVENTIONS. SECRETARY SKINNER IS TESTIFYING THIS MORNING BEFORE THE SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS ON THE NEED FOR THIS LEGISLATION.

MR. CHAIRMAN, SENATE AMENDMENTS NUMBER 100 AND 229 ARE CURRENTLY UNDER REVIEW WITHIN THE DEPARTMENT. THEREFORE, WE DO NOT HAVE A FORMAL POSITION ON THEM AT THIS TIME.

WE SUPPORT PASSAGE OF THE COMPREHENSIVE OIL SPILL LIABILITY AND COMPENSATION LEGISLATION, S. 1066. THIS LEGISLATION WOULD INCLUDE IMPLEMENTATION OF THE 1984 PROTOCOLS TO THE CLC AND FUND CONVENTIONS. WE LOOK FORWARD TO WORKING WITH YOU AS THIS LEGISLATION MOVES THROUGH CONGRESS.

MR. CHAIRMAN, THIS CONCLUDES MY STATEMENT. I WILL BE GLAD TO ANSWER ANY QUESTIONS THAT YOU OR THE OTHER MEMBERS OF COMMITTEE MAY HAVE.